

House File 192 - Introduced

HOUSE FILE 192
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 29)

A BILL FOR

1 An Act relating to property tax assessment by modifying
2 requirements relating to property assessment notices and
3 equalization order notices, modifying provisions relating to
4 property assessment protests and assessor informal reviews,
5 and including applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 441.26, subsection 1, Code 2015, is
2 amended to read as follows:

3 1. The director of revenue shall each year prescribe
4 the form of assessment roll to be used by all assessors in
5 assessing property, in this state, also the form of pages of
6 the assessor's assessment book. The assessment rolls shall
7 be in a form that will permit entering, separately, the names
8 of all persons assessed, and shall also contain a notice in
9 substantially the following form:

10 If you are not satisfied that the foregoing assessment is
11 correct, you may contact the assessor on or after April ~~1~~ 2,
12 to and including ~~May 4~~ April 25, of the year of the assessment
13 to request an informal review of the assessment pursuant to
14 section 441.30.

15 If you are not satisfied that the foregoing assessment is
16 correct, you may file a protest against such assessment with
17 the board of review on or after April ~~7~~ 2, to and including ~~May~~
18 ~~5~~ April 30, of the year of the assessment, such protest to be
19 confined to the grounds specified in section 441.37.

20 Dated: .. day of ... (month), .. (year)

21

22 County/City Assessor.

23 Sec. 2. Section 441.26, subsection 2, Code 2015, is amended
24 to read as follows:

25 2. The notice in ~~1981~~ and each odd-numbered year thereafter
26 shall contain a statement that the assessments are subject
27 to equalization pursuant to an order issued by the director
28 of revenue, that the county auditor shall give notice on or
29 before October ~~15~~ 8 by publication in an official newspaper of
30 general circulation to any class of property affected by the
31 equalization order, that the county auditor shall give notice
32 by mail postmarked on or before October 8 to each property
33 owner or taxpayer whose valuation has been increased by the
34 equalization order, and that the board of review shall be in
35 session from October 15 to November ~~15~~ 30 to hear protests of

1 affected property owners or taxpayers whose valuations have
2 been adjusted by the equalization order.

3 Sec. 3. Section 441.28, Code 2015, is amended to read as
4 follows:

5 **441.28 Assessment rolls — change — notice to taxpayer.**

6 The assessment shall be completed not later than April 1 each
7 year. If the assessor makes any change in an assessment after
8 it has been entered on the assessor's rolls, the assessor shall
9 note on the roll, together with the original assessment, the
10 new assessment and the reason for the change, together with the
11 assessor's signature and the date of the change. Provided,
12 however, in the event the assessor increases any assessment the
13 assessor shall give notice of the increase in writing to the
14 taxpayer by mail postmarked no later than April 1. No changes
15 shall be made on the assessment rolls after April 1 except by
16 written agreement of the taxpayer and assessor under section
17 441.30, by order of the board of review or of the property
18 assessment appeal board, or by decree of court.

19 Sec. 4. Section 441.30, subsections 1 and 2, Code 2015, are
20 amended to read as follows:

21 1. Any property owner or aggrieved taxpayer who is
22 dissatisfied with the owner's or taxpayer's assessment may
23 contact the assessor by telephone or in writing by paper or
24 electronic medium on or after April ~~1~~ 2, to and including ~~May~~
25 4 April 25, of the year of the assessment to inquire about the
26 specifics and accuracy of the assessment. Such an inquiry may
27 also include a request for an informal review of the assessment
28 by the assessor under one or more of the grounds for protest
29 authorized under section 441.37 for the same assessment year.

30 2. In response to an inquiry under subsection 1, if the
31 assessor, following an informal review, determines that the
32 assessment was incorrect under one or more of the grounds for
33 protest authorized under section 441.37 for the same assessment
34 year, the assessor may, on or before April 25, recommend that
35 the property owner or aggrieved taxpayer file a protest with

1 the local board of review and may file a recommendation with
 2 the local board of review related to the informal review, or
 3 may enter into a signed written agreement with the property
 4 owner or aggrieved taxpayer authorizing the assessor to correct
 5 or modify the assessment according to the agreement of the
 6 parties.

7 Sec. 5. Section 441.35, subsection 2, Code 2015, is amended
 8 to read as follows:

9 2. In any year after the year in which an assessment has
 10 been made of all of the real estate in any taxing district, the
 11 board of review shall meet as provided in section 441.33, and
 12 where the board finds the same has changed in value, the board
 13 shall revalue and reassess any part or all of the real estate
 14 contained in such taxing district, and in such case, the board
 15 shall determine the actual value as of January 1 of the year of
 16 the revaluation and reassessment and compute the taxable value
 17 thereof. If the assessment of any such property is ~~raised~~
 18 changed, or any property is added to the tax list by the board,
 19 the clerk shall give notice in the manner provided in section
 20 441.36. ~~However, if the assessment of~~ If all property in any
 21 taxing district is ~~raised~~ revalued and reassessed, the board
 22 ~~may~~ shall, in addition to notices required to be provided in
 23 the manner specified in section 441.36, instruct the clerk to
 24 give immediate notice by one publication in one of the official
 25 newspapers located in the taxing district, ~~and such published~~
 26 ~~notice shall take the place of the mailed notice provided for~~
 27 ~~in section 441.36, but all other provisions of that section~~
 28 ~~shall apply.~~ The decision of the board as to the foregoing
 29 matters shall be subject to appeal to the property assessment
 30 appeal board within the same time and in the same manner as
 31 provided in section 441.37A and to the district court within
 32 the same time and in the same manner as provided in section
 33 441.38.

34 Sec. 6. Section 441.37, subsection 1, paragraph a,
 35 unnumbered paragraph 1, Code 2015, is amended to read as

1 follows:

2 Any property owner or aggrieved taxpayer who is dissatisfied
 3 with the owner's or taxpayer's assessment may file a protest
 4 against such assessment with the board of review on or after
 5 April 7 2, to and including ~~May 5~~ April 30, of the year of the
 6 assessment. In any county which has been declared to be a
 7 disaster area by proper federal authorities after March 1 and
 8 prior to May 20 of said year of assessment, the board of review
 9 shall be authorized to remain in session until June 15 and the
 10 time for filing a protest shall be extended to and include the
 11 period from May 25 to June 5 of such year. The protest shall
 12 be in writing and, except as provided in subsection 3, signed
 13 by the one protesting or by the protester's duly authorized
 14 agent. The taxpayer may have an oral hearing on the protest if
 15 the request for the oral hearing is made in writing at the time
 16 of filing the protest. The protest must be confined to one or
 17 more of the following grounds:

18 Sec. 7. Section 441.37, subsection 3, Code 2015, is amended
 19 to read as follows:

20 3. For assessment years beginning on or after January
 21 1, 2014, the board of review may allow property owners or
 22 aggrieved taxpayers who are dissatisfied with the owner's or
 23 taxpayer's assessment to file a protest against such assessment
 24 by electronic means. Electronic filing of assessment protests
 25 may be authorized for the protest period that begins April
 26 7 2, the protest period that begins October ~~15~~ 9, or both.
 27 Except for the requirement that a protest be signed, all other
 28 requirements of this section for an assessment protest to the
 29 board of review shall apply to a protest filed electronically.
 30 If electronic filing is authorized by the local board of
 31 review, the availability of electronic filing shall be clearly
 32 indicated on the assessment roll notice provided to the
 33 property owner or taxpayer and included in both the published
 34 equalization order notice and the equalization order notice
 35 mailed to the property owner or taxpayer if applicable.

1 Sec. 8. Section 441.49, subsection 1, paragraph b, Code
2 2015, is amended to read as follows:

3 *b.* However, an assessing jurisdiction may request the
4 director to permit the use of an alternative method of
5 applying the equalization order to the property values in the
6 assessing jurisdiction, provided that the final valuation
7 shall be equivalent to the director's equalization order. The
8 assessing jurisdiction shall notify the county auditor of
9 the request for the use of an alternative method of applying
10 the equalization order and the director's disposition of the
11 request. The request to use an alternative method of applying
12 the equalization order, including procedures for notifying
13 affected property owners and appealing valuation adjustments,
14 shall be made within ten days from the date the county auditor
15 receives the equalization order and the valuation adjustments,
16 and appeal procedures shall be completed by ~~November 30~~
17 December 15 of the year of the equalization order. Compliance
18 with the provisions of section 441.21 is sufficient grounds
19 for the director to permit the use of an alternative method of
20 applying the equalization order.

21 Sec. 9. Section 441.49, subsections 2 and 4, Code 2015, are
22 amended to read as follows:

23 2. *a.* On or before October ~~15~~ 8 the county auditor shall
24 cause to be published in official newspapers of general
25 circulation the final equalization order. The county auditor
26 shall also notify each property owner or taxpayer whose
27 valuation has been increased by the final equalization order
28 by mail postmarked on or before October 8. The publication
29 and the individual notice mailed to each property owner or
30 taxpayer whose valuation has been increased shall include, in
31 type larger than the remainder of the publication or notice,
32 the following ~~statement~~ statements:

33 Assessed values are equalized by the department of revenue
34 every two years. Local taxing authorities determine the final
35 tax levies and may reduce property tax rates to compensate

1 for any increase in valuation due to equalization. If you
2 are not satisfied that your assessment as adjusted by the
3 equalization order is correct, you may file a protest against
4 such assessment with the board of review on or after October
5 9, to and including October 31.

6 *b.* Failure to publish the equalization order or to notify
7 property owners or taxpayers of the equalization order has no
8 effect upon the validity of the orders.

9 4. The local board of review shall reconvene in special
10 session from October 15 to November ~~15~~ 30 for the purpose of
11 hearing the protests of affected property owners or taxpayers
12 within the jurisdiction of the board whose valuation of
13 property if adjusted pursuant to the equalization order issued
14 by the director of revenue will result in a greater value than
15 permitted under section 441.21. The board of review shall
16 accept protests only during the ~~first ten days following the~~
17 ~~date the local board of review reconvenes~~ period of time from
18 October 9, to and including October 31. The board of review
19 shall limit its review to only the timely filed protests. The
20 board of review may adjust all or a part of the percentage
21 increase ordered by the director of revenue by adjusting the
22 actual value of the property under protest to one hundred
23 percent of actual value. Any adjustment so determined by
24 the board of review shall not exceed the percentage increase
25 provided for in the director's equalization order. The
26 determination of the board of review on filed protests is
27 final, subject to appeal to the property assessment appeal
28 board. A final decision by the local board of review, or the
29 property assessment appeal board, if the local board's decision
30 is appealed, is subject to review by the director of revenue
31 for the purpose of determining whether the board's actions
32 substantially altered the equalization order. In making the
33 review, the director has all the powers provided in chapter
34 421, and in exercising the powers the director is not subject
35 to chapter 17A. Not later than fifteen days following the

1 adjournment of the board, the board of review shall submit to
2 the director of revenue, on forms prescribed by the director, a
3 report of all actions taken by the board of review during this
4 session.

5 Sec. 10. IMPLEMENTATION OF ACT. Section 25B.2, subsection
6 3, shall not apply to this Act.

7 Sec. 11. APPLICABILITY. This Act applies to assessment
8 years beginning on or after January 1, 2016.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to property assessment for purposes of
13 property taxation by modifying provisions relating to property
14 assessment notices and equalization order notices and by
15 modifying provisions relating to property assessment protests
16 and assessor informal reviews.

17 Current Code section 441.30 allows a property owner or
18 taxpayer to contact the assessor to inquire about the specifics
19 and accuracy of the assessment and to request an informal
20 review of the assessment on or after April 1 to and including
21 May 4 of the assessment year. The bill modifies that period
22 of time to be on or after April 2 to and including April 25.
23 The bill also authorizes a change to the assessment on or
24 before April 25 if the owner or taxpayer enters into a written
25 agreement with the assessor. This authority is in addition
26 to the assessor's current authority to recommend that the
27 taxpayer file a protest with the local board of review and file
28 a recommendation in regards to such a protest.

29 The bill also modifies the period of time for filing an
30 assessment protest with the local board of review from the
31 current April 7 to May 5, to a period of time beginning April 2
32 to and including April 30.

33 Current Code section 441.26 requires notices of equalization
34 orders to be published in the newspaper on or before
35 October 15. The bill modifies the publication deadline for

1 equalization order notices to October 8 and requires that
2 individual notices be mailed by October 8 to each owner or
3 taxpayer whose valuation has been increased by the equalization
4 order. The bill provides that the notice shall contain the
5 statement currently required in published notices and amends
6 Code section 441.49 to also require that the notice contain a
7 statement of the owner's or taxpayer's ability to file with the
8 local board of review a protest against an assessment adjusted
9 by the equalization order.

10 The bill also amends Code section 441.49 to modify the
11 period of time for taxpayer protests of an equalization order
12 and the dates of the local board of review's session to hear
13 such protests. Current law allows such protests to be filed
14 on or after October 15, to and including October 25. The bill
15 makes the period of time for filing a protest from October 9 to
16 October 31. The bill changes the dates during which the local
17 board is in session to hear assessment protests resulting from
18 equalization orders to be October 15 to November 30 (previously
19 October 15 to November 15). The bill also provides that the
20 deadline for completing the appeal procedures for equalizations
21 implemented by the assessing jurisdiction using an alternative
22 method of applying the equalization order is December 15
23 instead of November 30.

24 Code section 441.35 provides that if the assessment of any
25 property is raised during the local board of review's meeting
26 in the even-numbered year, the clerk shall give notice by
27 mail in the manner provided in Code section 441.36. The bill
28 requires the mail notice for all property where the value has
29 changed.

30 Code section 441.35, subsection 2, also authorizes the local
31 board of review to provide notice to taxpayers by publication
32 in one of the official newspapers located in the taxing
33 district if the local board of review raises the assessment
34 of all property in a taxing district during the local board
35 of review's session in an even-numbered assessment year.

1 The bill modifies this provision to require, in addition to
2 individual owner or taxpayer notices, notice by publication if
3 all property in the taxing district is revalued and reassessed.

4 The bill amends Code section 441.37 to require individual
5 assessment notices and published notices resulting from an
6 equalization order to include information on the availability
7 of electronic filing of protests if electronic filing is
8 authorized by the local board of review.

9 The bill may include a state mandate as defined in Code
10 section 25B.3. The bill makes inapplicable Code section 25B.2,
11 subsection 3, which would relieve a political subdivision from
12 complying with a state mandate if funding for the cost of
13 the state mandate is not provided or specified. Therefore,
14 political subdivisions are required to comply with any state
15 mandate included in the bill.

16 The bill applies to assessment years beginning on or after
17 January 1, 2016.